

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHELLE CLINE and KELLY  
ENGSTROM, individually and on Behalf of  
All Others Similarly Situated,

Plaintiffs,

v.

TOUCHTUNES MUSIC CORPORATION,

Defendant.

Civil Action No. 14 Civ. 4744 (LAK)

ECF CASE

**NOTICE OF DEFENDANT TOUCHTUNES MUSIC CORPORATION'S MOTION TO  
DISMISS OR IN THE ALTERNATIVE TO STRIKE CERTAIN ALLEGATIONS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in support of this motion and the Declaration of Patrick Barry, dated October 17, 2014, and the exhibit attached thereto, the undersigned will move this Court, before the Honorable Lewis A. Kaplan, at the United States District Courthouse located at 500 Pearl Street, Courtroom 21B, New York, New York, on a date and time to be set by the Court, to dismiss the Complaint with prejudice for lack of subject matter jurisdiction and for failure to state a cognizable claim for relief, and/or in the alternative, to strike the class allegations, pursuant to Rules 12(b)(1), 12(b)(6), and 23(d)(1)(D).

Dated: October 22, 2014  
New York, New York

/s/ Jamie A. Levitt  
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